

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

WELLS FARGO BANK, N.A.,

Plaintiff,

v.

COMMENTS SOLUTIONS, LLC and
SELF-HELP CREDIT UNION,

1:19-cv-00077-NLH-KMW

Defendants.

ORDER GRANTING JUDGMENT

SELF-HELP CREDIT UNION,

Third-Party Plaintiff,

v.

COMMENTS SOLUTION, LLC,

Third-Party Defendant.

APPEARANCES:

ADAM BUSLER
FOX ROTHSCHILD LLP
1301 ATLANTIC AVENUE
SUITE 400
ATLANTIC CITY, NJ 08401

On behalf of Plaintiff Wells Fargo Bank, N.A.

DENISE E. CARLON
KML LAW GROUP PC
701 MARKET STREET
SUITE 5000
PHILADELPHIA, PA 19106

On behalf of Third-Party Plaintiff Self-Help Credit Union.

HILLMAN, District Judge

WHEREAS, this action for interpleader relief was initiated by Plaintiff Wells Fargo Bank, N.A. on January 3, 2019 [ECF No. 1]; and

WHEREAS, Third-Party Plaintiff First Legacy Community Credit Union filed an Answer, Crossclaim, and Third-Party Complaint against Defendant Comments Solution, LLC on March 4, 2019, [ECF No. 7], seeking the return of a monetary sum allegedly fraudulently transferred to Defendant Comments Solution, LLC; and

WHEREAS, this Court granted Third-Party Plaintiff First Legacy Community Credit Union's Motion to Substitute Party on August 27, 2020, substituting Self-Help Credit Union as successor-in-interest pursuant to Federal Rule of Civil Procedure 25(c) [ECF No. 30]; and

WHEREAS, pending before the Court is Third-Party Plaintiff's motion for entry of default judgment pursuant to Federal Rule of Civil Procedure 55 [ECF No. 29]; and

WHEREAS, Rule 55 provides that obtaining a default judgment is a two-step process: first, when a defendant has failed to plead or otherwise respond, a plaintiff may request the entry of default by the Clerk of the Court, Fed. R. Civ. P. 55(a), and second, after the Clerk has entered the party's default, a plaintiff may then obtain a judgment by default by either (1)

asking the Clerk to enter judgment, if the judgment is a sum certain, or (2) applying to the Court, Fed. R. Civ. P. 55(b); and

WHEREAS, Third-Party Plaintiff requested the entry of default by the Clerk, and the Clerk entered default on July 1, 2020; and

WHEREAS, Third-Party Plaintiff moves for entry of default judgment pursuant to Rule 55(c); but

WHEREAS, Rule 55(c) addresses the circumstances under which a court may set aside an entry of default judgment, not the process for entering default judgment; and

WHEREAS, Third-Party Plaintiff is seeking a sum certain for payment of the amount transferred from Third-Party Plaintiff to Defendant¹;

Therefore,

IT IS HEREBY on this 20th day of January, 2021

ORDERED that Third-Party Plaintiff's motion for default judgment [ECF No. 29] be, and the same hereby is, DENIED AS MOOT; and it is further

ORDERED that the Clerk of the Court is directed to enter the judgment of default, pursuant to Fed. R. Civ. P. 55(b)(1),

¹ Third-Party Plaintiff recognizes that it is seeking a sum certain, noting that "The claim of the Third-Party Plaintiff is for a sum certain or a sum that can be made certain by computation." (ECF No. 29-1 at ¶ 5).

in favor of Third-Party Plaintiff Self-Help Credit Union and
against Defendant Comments Solution, LLC in the sum of
\$134,025.30.

At Camden, New Jersey

 /s Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.